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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,821	03/26/2001	Keith Hall	SMX 3071.1 (99-22R1)	7846

45735 7590 03/22/2006  
SENNIGER POWERS  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST. LOUIS, MO 63102

EXAMINER

TRAN, MY CHAU T

ART UNIT PAPER NUMBER

1639

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/817,821	<b>Applicant(s)</b> HALL ET AL.	
	<b>Examiner</b> MY-CHAU T. TRAN	<b>Art Unit</b> 1639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 90-122 is/are pending in the application.
- 4a) Of the above claim(s) 96,97,103-105,108-112,115,120 and 121 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 90-95, 98-102, 106, 107, 113, 114, 116-119, and 122 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Application and Claims Status***

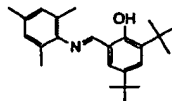
1. Applicant's response filed 12/16/2005 is acknowledged and entered.
2. The amendment filed on 07/22/2005: cancelled claims 1-10, and 14-71.
3. The amendment filed on 12/20/2004: amended claims 1, 14, 15, 90, 91, 100, 101, and 107.
4. The amendment filed on 01/14/2004: cancelled claims 11-13, and 72; amended claims 1, 4-5, 9, 14-15, 47, 56, and 57; and added claims 90-122.
5. The amendment filed on 01/31/2003: cancelled claims 73-89.
6. Claims 90-122 are pending.

### ***Election/Restrictions***

7. The instant species election requirement is still in effect as there is no allowable generic or linking claim. Applicant has elected the following species for the elected invention (Claims 90-122) in the reply filed on 01/31/2003 and 05/18/2003:
  - a. A species of soluble metal precursor: Formula  $MR_n = Hf(CH_2Ph)_4$
  - b. A species of coordination number for metal-binding ligand: 2

Art Unit: 1639

- c. A species of charge for metal-binding ligand: -1



- d. A species of metal-binding ligand: (2,-1)

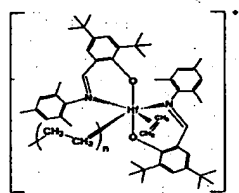
- e. A species of activator:  $\text{PhNMe}_2\text{HB}(\text{C}_6\text{F}_5)_4$

- f. A species of property of interest to be screened: Chemical property

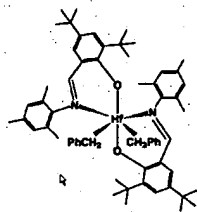
- g. A species of screening method: Gravimetric measurement of the product yield

- h. A species of number of ligands in the array: 8

- i. A species of deprotonating agent: BuLi



- j. A species of polymerization product: , and thus the species of polymerization monomer is polyethylene homopolymer and the species a



meta-ligand composition is

8. Claims 96, 97, 103-105, 108-112, 115, 120, and 121 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to *nonelected species*, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/31/2003 and 05/18/2003.

Art Unit: 1639

9. Claims 90-95, 98-102, 106, 107, 113, 114, 116-119, and 122 are under consideration in this Office Action.

***Priority***

10. This instant application claims benefit to a provisional application of 60/191,933 filed 03/24/2000. This instant application is granted the benefit of priority for 60/191,933 under 35 U.S.C. 119(e).

***Maintained Rejection(s)***

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 90-95, 98-102, 106, 107, 113, 114, and 116-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent 6,030,917) and Johnson et al. (*J. Am. Chem. Soc.*, **1995**, 117(23), pgs. 6414-6415).

13. Claim 122 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent 6,030,917) and Johnson et al. (*J. Am. Chem. Soc.*, **1995**, 117(23), pgs. 6414-6415) as applied to claims 90-95, 98-102, 106, 107, 113, 114, and 116-119 above, and further in view of Murata et al. (US Patent 5,892,075).

### *Response to Arguments*

14. Applicant's arguments directed to the rejection under 35 USC 103(a) as being unpatentable over Weinberg et al. (US Patent 6,030,917) and Johnson et al. (*J. Am. Chem. Soc.*, 1995, 117(23), pgs. 6414-6415) for claims 90-95, 98-102, 106, 107, 113, 114, and 116-119 were considered but they are not persuasive for the following reasons.

Weinberg et al. teach the methods for the synthesis and characterization of arrays, i.e. libraries of catalysts and organometallic compounds (see e.g. Abstract; col. 1, lines 16-25; col. 3, lines 30-36). Weinberg et al. disclose a method of making an array of metal-ligand compounds wherein the step comprises reacting a metal binding ligand with a metal ion (refers to the metal precursor) (see e.g. col. 3, lines 37-54; col. 9, line 45 to col. 10, line 15). The array comprises different metal-ligand compounds at known location and the synthesis can be conducted using solution-phase synthetic technique (refers to the limitation of a plurality of discrete reaction vessels contained by integrated structure and contain different metal-ligand compounds, and instant claim 92) (see e.g. col. 3, lines 55-64; col. 10, line 66 to col. 11, line 12; fig. 14). The synthesis also includes adding an activator such as  $\text{PhNMe}_2\text{HB}(\text{C}_6\text{F}_5)_4$  (refers to instant claims 100, 101, 113, and 114) (see e.g. col. 11, lines 28-37). The metal ion is transition metal ions (refers to instant claim 98) (see e.g. col. 11, lines 13-17; col. 24, lines 46-48). The metal-binding ligand includes ligands such as heterocyclic compounds and ancillary ligands (refers to instant claim 102) (see e.g. col. 15, line 61 to col. 16, line 11; col. 16, lines 20-34; col. 16, line 35 to col. 21, line 61). Additionally, the libraries are screened for useful property such as polymerization reaction (see e.g. col. 11, lines 38-67; col. 26, line 63 to col. 27, line 10).

The method of Weinberg et al. does not expressly include a soluble metal precursor comprising a solublizing ligand, and the method of screening the metal-ligand composition for activity by way of polymerization reaction.

Johnson et al. disclose the methods of using soluble transition metal-based catalysts for polymerization of ethylene and  $\alpha$ -olefins (see e.g. pg. 6414, left col., lines 1-7; pg. 6414, Scheme 1). The transition metal is palladium and nickel (refers to instant claim 98) (see e.g. pg. 6414, left col., lines 15-24; pg. 6414, Scheme 1). The solublizing ligand is methyl and Br (refers to claims 10, 22, 40-41) (see e.g. pg. 6414, right col., lines 1-4; pg. 6414, Scheme 1). The metal-binding ligand is diimine ligands (see e.g. pg. 6414, left col., lines 15-24; pg. 6414, Scheme 1). Johnson et al. disclose two synthetic schemes for the polymerization of ethylene (see e.g. pg. 6414, left col., lines 15-24; pg. 6414, right col., lines 1-4; pg. 6414, Scheme 1). In the first synthetic scheme the metal catalyst, i.e. the metal with diimine ligands and methyl groups, is activated with an activator that result in a loss of a methane (refers to displacing the solublizing ligand, and instant claims 99 and 107) and forming a diethyl ether adduct, and exposing the metal adduct to ethylene (refers to a monomer) that result in a polymer, and the polymer is analyzed by NMR, i.e. nuclear magnetic resonance, (see e.g. pg. 6414, left col., lines 15-29; pg. 6414, Scheme 1; pg. 6415, Table 1). In the second synthetic scheme the metal catalyst, i.e. the metal with diimine ligands and bromine groups, is activated with an activator (refers to without displacing the solublizing ligand) and exposing the metal catalyst to ethylene (refers to a monomer) that result in a polymer, and the polymer is analyzed by NMR, i.e. nuclear magnetic resonance, (see e.g. pg. 6414, right col., lines 1-4; pg. 6414, Scheme 1; pg. 6415, Table 1).

Additionally, the limitation that the 'solublizing ligand reduces the catalytic activity of the metal-ligand composition in the polymerization mixture in the polymerization reaction by less than about 80%' is a functional limitation or a property of the claimed solublizing ligand and it is presumed to be inherent. See MPEP § 2112.01, which states that:

#### *II. >< COMPOSITION CLAIMS — IF THE COMPOSITION IS PHYSICALLY THE SAME, IT MUST HAVE THE SAME PROPERTIES*

*"Products of identical chemical composition can not have mutually exclusive properties." A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. In re Spada, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990) (Applicant argued that the claimed composition was a pressure sensitive adhesive containing a tacky polymer while the product of the reference was hard and abrasion resistant. "The Board correctly found that the virtual identity of monomers and procedures sufficed to support a prima facie case of unpatentability of Spada's polymer latexes for lack of novelty.").*

Art Unit: 1639

The ligand of Johnson et al. is the same as the claimed solublizing ligand, i.e. an unsubstituted alkyl. Thus, the claimed functional property limitation of the solublizing ligand, i.e. *'solublizing ligand reduces the catalytic activity of the metal-ligand composition in the polymerization mixture in the polymerization reaction by less than about 80%'* and instant claim 91, is inherent to the ligand Johnson et al.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a soluble metal precursor comprising a solublizing ligand, and the method of screening the metal-ligand composition for activity by way of polymerization reaction as taught by Johnson et al. in the method of Weinberg et al. One of ordinary skill in the art would have been motivated to include a soluble metal precursor comprising a solublizing ligand, and the method of screening the metal-ligand composition for activity by way of polymerization reaction in the method of Weinberg et al. since both Weinberg et al. and Johnson et al. disclose the method of making diimine Ni and Pd complexes, i.e. analogous art, (Weinberg: col. 12, line 65 to col. 13, line 11; Johnson: pg. 6414, left col., lines 1-18). Furthermore, one of ordinary skill in the art would have reasonably expectation of success in the combination of Weinberg et al. and Johnson et al. because Johnson et al. shown the successful polymerization of ethylene using the soluble metal catalyst.

Applicant argues that the combine teaching of Weinberg et al. and Johnson et al. is not obvious over the instant claimed method because 1) *'both references fail to disclose or suggest a process wherein a displaced ligand is present in a subsequently formed reaction mixture (e.g., polymerization reaction mixture)'* and 2) there is no motivation to combine the teaching of Weinberg et al. and Johnson et al. Thus, the combine teaching of Weinberg et al. and Johnson et al. is not obvious over the instant claimed method.

Applicant's arguments are not convincing since the combine teachings of Weinberg et al. and Johnson et al. do render the method of the instant claims *prima facie* obvious.

First, it is the examiner position that the method of Johnson et al. does suggest that the *'displaced ligand'* is present in a subsequently formed reaction mixture because Johnson et al. does not disclose the "removal" of the displace ligand (see pg. 6414, Scheme 1; pg. 6414, left col., lines 15-24; pg. 6414, right col., lines 1-4). Thus, Johnson et al. does suggest that the *'displaced ligand'* is present in a subsequently formed reaction mixture.

Second, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

Art Unit: 1639

teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is a suggestion to combine the teaching of Weinberg et al. and Johnson et al. in that solution base methodologies for the synthesis of olefins are known in the art and since both Weinberg et al. and Johnson et al. disclose the method of making diimine Ni and Pd complexes the type of solution base methodologies use in the method of Weinberg et al. would be a choice of experimental design and is considered within the purview of the cited prior art. Moreover, Weinberg et al. disclose that any the solution base methodologies for the synthesis of olefins can be use in the combinatorial method of synthesis (see col. 38, lines 25-61) it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a soluble metal precursor comprising a solublizing ligand, and the method of screening the metal-ligand composition for activity by way of polymerization reaction as taught by Johnson et al. in the method of Weinberg et al. In addition, the motivation to combine the teaching of Weinberg et al. and Johnson et al. is also found in the teaching of Johnson et al., i.e. the advantage of providing a catalyst system where simple variation of pressure, temperature, and ligand substituents allows access to the polymerization of ethylene and  $\alpha$ -olefins. Thus, there is a motivation to combine the teaching of Weinberg et al. and Johnson et al.

Therefore, the combine teachings of Weinberg et al. and Johnson et al. do render the method of the instant claims *prima facie* obvious, and the rejection is maintained.



Art Unit: 1639

15. Applicant's arguments directed to the rejection under 35 USC 103(a) as being unpatentable over Weinberg et al. (US Patent 6,030,917) and Johnson et al. (*J. Am. Chem. Soc.*, 1995, 117(23), pgs. 6414-6415) as applied to claims 90-95, 98-102, 106, 107, 113, 114, and 116-119, and further in view of Murata et al. (US Patent 5,892,075) for claim 122 were considered but they are not persuasive for the following reasons.

Weinberg et al. teach the methods for the synthesis and characterization of arrays, i.e. libraries of catalysts and organometallic compounds (see e.g. Abstract; col. 1, lines 16-25; col. 3, lines 30-36). Weinberg et al. disclose a method of making an array of metal-ligand compounds wherein the step comprises reacting a metal binding ligand with a metal ion (refers to the metal precursor) (see e.g. col. 3, lines 37-54; col. 9, line 45 to col. 10, line 15). The array comprises different metal-ligand compounds at known location and the synthesis can be conducted using solution-phase synthetic technique (refers to the limitation of a plurality of discrete reaction vessels contained by integrated structure and contain different metal-ligand compounds, and claim 3) (see e.g. col. 3, lines 55-64; col. 10, line 66 to col. 11, line 12; fig. 14). The synthesis also includes adding an activator such as  $\text{PhNMe}_2\text{HB}(\text{C}_6\text{F}_5)_4$  (refers to claims 14-15, 47-49) (see e.g. col. 11, lines 28-37). The metal ion is transition metal ions (refers to claim 9) (see e.g. col. 11, lines 13-17; col. 24, lines 46-48). The metal-binding ligand includes ligands such as heterocyclic compounds (refers to claim 2) and ancillary ligands (refers to 16-19) (see e.g. col. 15, line 61 to col. 16, line 11; col. 16, lines 20-34; col. 16, line 35 to col. 21, line 61). Additionally, the libraries are screened for useful property such as polymerization reaction (see e.g. col. 11, lines 38-67; col. 26, line 63 to col. 27, line 10).

Johnson et al. disclose the methods of using soluble transition metal-based catalysts for polymerization of ethylene and  $\alpha$ -olefins (see e.g. pg. 6414, left col., lines 1-7; pg. 6414, Scheme 1). The transition metal is palladium and nickel (refers to claim 9) (see e.g. pg. 6414, left col., lines 15-24; pg. 6414, Scheme 1). The solublizing ligand is methyl and Br (refers to claims 10, 22, 40-41) (see e.g. pg. 6414, right col., lines 1-4; pg. 6414, Scheme 1). The metal-binding ligand is diimine ligands (see e.g. pg. 6414, left col., lines 15-24; pg. 6414, Scheme 1). Johnson et al. disclose two synthetic schemes for the polymerization of ethylene (see e.g. pg. 6414, left col., lines 15-24; pg. 6414, right col., lines 1-4; pg. 6414, Scheme 1). In the first synthetic scheme the metal catalyst, i.e. the metal with diimine ligands and methyl groups, is activated with an activator that result in a loss of a methane (refers to displacing the solublizing ligand) and forming a diethyl ether adduct, and exposing the metal adduct to ethylene (refers to a monomer) that result in a polymer, and the polymer is analyzed by NMR, i.e. nuclear magnetic resonance, (see e.g. pg. 6414, left col., lines 15-29; pg. 6414, Scheme 1; pg. 6415, Table 1). In the second synthetic scheme the metal catalyst, i.e. the metal with diimine ligands and bromine groups, is activated with an activator (refers to without displacing the solublizing ligand) and exposing the metal catalyst to ethylene (refers to a monomer) that result in a polymer, and the polymer is analyzed by NMR, i.e. nuclear magnetic resonance, (see e.g. pg. 6414, right col., lines 1-4; pg. 6414, Scheme 1; pg. 6415, Table 1).

Additionally, the limitation that the '*solublizing ligand reduces the catalytic activity of the metal-ligand composition in the polymerization mixture in the polymerization reaction by less than about 80%*' is a functional limitation or a property of the claimed solublizing ligand and it is presumed to be inherent. See MPEP § 2112.01, which states that:

**II. > COMPOSITION CLAIMS — IF THE COMPOSITION IS PHYSICALLY THE SAME, IT MUST HAVE THE SAME PROPERTIES**

"Products of identical chemical composition can not have mutually exclusive properties." A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. In re Spada, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990) (Applicant argued that the claimed composition was a pressure sensitive adhesive containing a tacky polymer while the product of the reference was hard and abrasion resistant. "The Board correctly found that the virtual identity of monomers and procedures sufficed to support a prima facie case of unpatentability of Spada's polymer latexes for lack of novelty.").

The ligand of Johnson et al. is the same as the claimed solublizing ligand, i.e. an unsubstituted alkyl. Thus, the claimed functional property limitation of the solublizing ligand, i.e. '*solublizing ligand reduces the catalytic*

Art Unit: 1639

*activity of the metal-ligand composition in the polymerization mixture in the polymerization reaction by less than about 80%* and instant claim 91, is inherent to the ligand Johnson et al.

The method combination of Weinberg et al. and Johnson et al. disclose the method of making and screening an array of metal-ligand compositions. However, neither Weinberg et al. nor Johnson et al. expressly include the addition of a deprotonating agent in the method of synthesizing the metal ligand compound and the deprotonating agent is BuLi.

Murata et al. disclose a process for synthesizing metallocene compounds (see e.g. Abstract; col. 3, lines 7-14). The metal includes Hf(IV) (see e.g. col. 10, lines 23-38). The synthetic method of the metal compound comprise of the addition of the deprotonating agent, which is n-BuLi (see e.g. col. 11, lines 31-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the addition of a deprotonating agent in the method of synthesizing the metal ligand compound and the deprotonating agent is BuLi as taught by Murata et al. in the method combination of Weinberg et al. and Johnson et al. One of ordinary skill in the art would have been motivated to include the addition of a deprotonating agent in the method of synthesizing the metal ligand compound and the deprotonating agent is BuLi in the method combination of Weinberg et al. and Johnson et al. for the advantage of providing an efficient synthesis of metallocene compounds (Murata: col. 5, lines 48-56). Furthermore, one of ordinary skill in the art would have reasonably expectation of success in the combination of Weinberg et al., Johnson et al., and Murata et al. because Murata et al. disclose by examples the synthesis of metallocene compounds with the addition of the deprotonating agent (see e.g. col. 12, line 35 to col. 21, line 49).

Applicant alleges that the combine teaching of Weinberg et al., and Johnson et al., and Murata et al. is not obvious over the instant claimed method because 1) *‘both references fail to disclose or suggest a process wherein a displaced ligand is present in a subsequently formed reaction mixture (e.g., polymerization reaction mixture)’*. Thus, the combine teaching of Weinberg et al., and Johnson et al., and Murata et al. is not obvious over the instant claimed method.

Applicant's arguments are not convincing since the combine teachings of Weinberg et al., and Johnson et al., and Murata et al. do render the method of the instant claims *prima facie* obvious. It is the examiner position that the method of Johnson et al. does suggest that the *‘displaced ligand’* is present in a subsequently formed reaction mixture because Johnson et al. does not disclose the “removal” of the displace ligand (see pg. 6414, Scheme 1; pg. 6414, left col., lines 15-24; pg. 6414, right col., lines 1-4). Thus, Johnson et al. does suggest that the *‘displaced ligand’* is present in a subsequently formed reaction mixture.

Therefore, the combine teachings of Weinberg et al., and Johnson et al., and Murata et al. do render the method of the instant claims *prima facie* obvious, and the rejection is maintained.

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 571-272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mct  
March 14, 2006



**ANDREW WANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1600**